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¶1. (SBU) Summary: Public Prosecutor Maher Abdel Wahed stressed to the Ambassador in a recent meeting that the independence of the judiciary is substantial in Egypt and refuted claims that the executive influences the decisions of the Supreme Judicial Council - the body which oversees day to day affairs of Egypt's courts and benches. Maher also underlined the autonomy from the executive -- and from the rest of the judiciary -- of the Public Prosecution corps and predicted this status would be clarified in the anticipated new judiciary law. Maher was implicitly critical of the Judges Club's recent activism while offering his personal support for replacing the current electoral system with a permanent independent elections commission. Maher expressed in detail his appreciation for USAID technical assistance for the administration of justice. He looked forward to welcoming U.S. Attorney General Gonzales to Egypt at the end of June. End summary.

¶2. (SBU) Public Prosecutor Maher Abdel Wahed, Egypt's senior law enforcement official and functional counterpart to the U.S. Attorney General, asserted to the Ambassador during a May 31 meeting that judicial independence is already well-advanced in Egypt. Egypt's judges answer to the Supreme Judicial Council (SJC) whose members, though technically appointed by the executive, are in fact chosen on the basis of seniority (rather than political loyalty). The SJC is composed of the Chief Justice of the Court of Cassation (the chairman) and its members are the heads of the courts of appeals in Cairo, Alexandria, Tanta, the two most senior judges in the Court of Cassation, and the Public Prosecutor. It is this neutral body, rather than the executive, that has the final say over judiciary matters, he asserted: "the Ministry of Justice (MOJ) implements the decisions of the SJC, not the other way around."

¶3. (SBU) Maher emphasized to the Ambassador that, contrary to the assertions of some critics, the Public Prosecution operates autonomously and does not report to the Minister of Justice - a point he expected the GOE's new judiciary law would clarify. He acknowledged that "judicial inspection" - the mechanism for evaluating judges' performance and promotions - was one of the most controversial subjects of debate, because of the Minister's supervision of the process, but "this will change," in the new law, he asserted. (Note: However, members of the Judges Club claimed they had heard that the draft retains for the Minister de facto control over

the evaluations and promotion process (reftel). End note.)

¶4. (SBU) Maher expected the new judiciary law would enhance judicial independence by establishing a firewall between the budgets of the MOJ and the judiciary. Maher observed that the judiciary budget has always been a contentious issue, as he learned first-hand in his previous position as the Assistant Justice Minister responsible for financial affairs. "The judicial process is expensive," he noted, "and it is a challenge for society to pay for it." He claimed that a court fee system, as used in the U.S., would result in the denial of justice to Egypt's poor masses. Thus ruling out any workable "independent" means for Egypt's judiciary to raise funds, he claimed that there was no practical choice but to keep the authority to administer judicial funding in the hands of the Ministry of Justice.

¶5. (SBU) Maher was implicitly critical of the recent outspokenness of the Judges Club (JC) leadership in recent months. (As reported septels, JC members' charges of fraud in the 2005 parliamentary elections have fueled controversy, and been seized upon by regime opponents.) "The Judges Club is a social organization, not a professional syndicate," he stated. "Elections are always controversial...but we (in the judiciary) must remain neutral and far from political disputes...there are questions about whether the JC's actions constitute political activities."

¶6. (SBU) Maher was critical of Egypt's use of judges as electoral supervisors, asserting that this practice is virtually unique in the world. "The intent of assigning one judge to every ballot box was to guarantee integrity," he noted, but "we have fallen short of our goal." Maher offered that he personally favored the establishment of a permanent, professional elections commission, as exists in other

countries. (Note: The ruling NDP has included electoral reform as one of its political reform priorities, but has not yet offered any specific proposals. End note.)

¶7. (SBU) Thanking the Ambassador for USG technical assistance for reform in Egypt's criminal justice system (being implemented by USAID and contractors), Maher said that modernizing the process is one of his top priorities. "Our system is based on the Napoleonic Code," he noted, "but France has moved on, while we have not updated our system in 50 years." Maher expressed particular enthusiasm for USG funded technical assistance on developing a public defender system and alternative dispute resolution mechanisms that could help Egyptian authorities cut their case backlog, which, the Public Prosecutor acknowledged, is "enormous."

¶8. (SBU) The Ambassador thanked the Public Prosecutor for his cooperation with the USG on a range of issues, most recently in the case of fugitive Egyptian murder suspect Sameh Khouzam (septels). The Ambassador also previewed for the Public Prosecutor the late June visit of Attorney General Gonzales. Maher warmly welcomed the AG's visit and hoped it would further solidify already strong law enforcement ties between the U.S. and Egypt.  
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